

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.5999 of 2012

ORDER:

This Civil Revision Petition under Article 227 of the Constitution of India is filed challenging the Order in I.A.No.508 of 2012 in O.S.No.35 of 2009 passed by Senior Civil Judge, Chirala, dismissing the application filed under Order 47 Rule 1 and Order 22 Rule 3 and Section 151 of CPC requesting the Court to mention the names of plaintiff Nos. 3 to 6 in the cause title of the Order appointing an Advocate Commissioner, but the trial Court dismissed the petition assigning its own reasons.

During hearing, learned counsel for the respondents fairly conceded that it is only a mistake in filing a fair copy of the petition after making necessary amendments and gave consent to set aside the Order directing the Court to mention the names of plaintiff Nos. 3 to 6 in the cause title of the Order in the petition filed under Order 26 Rule 9 CPC, as impleading legal heirs in plaint is suffixed.

In view of the consent given by the learned counsel for the respondents, this Civil Revision Petition is allowed setting aside the Order dt. 31.10.2012 in I.A.No.508 of 2012 in O.S.No.35 of 2009 passed by the Senior Civil Judge, Chirala. However, the petitioners are directed to file

a fresh copy of the petition after making necessary amendments by the counsel for the respondents. On filing fresh copy of the Petition, the trial Court is directed to entrust the warrant to the Commission for execution. It is needless to say that the trial Court shall expedite the trial of the matter after execution of the Warrant by the Commissioner, as suit is five years old.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

Date: 13-06-2017.
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M. SATYANARAYANA MURTHY, J



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